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MRFD

MARY PATRICIA McLAUGHLIN

AUGUST 6 (legislative day, AUGUST 4), 1986.—Ordered to be printed

Mr. THURMOND, from the Committee on the Judiciary, submitted the following

REPORT

ORIGINAL

[To accompany S. 363]

The Committee on the Judiciary, to which was referred the bill (S. 363), for the relief of Mary Patricia McLaughlin, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

Granting the status of permanent residence to Mary Patricia McLaughlin. The bill provides for the payment of the required visa fee and for an appropriate visa number deduction.

STATEMENT OF FACTS

The beneficiary is a 38-year-old native and citizen of Scotland. She originally entered the U.S. in 1972 as a nonimmigrant student. Her last entry into the U.S. was September 30, 1982 as a nonimmigrant visitor for pleasure. On October 13, 1982, she requested and was granted a change of status to that of a temporary worker of distinguished merit and ability and was authorized to remain until July 13, 1983. On June 28, 1983, St. Mary's of the Barrens Seminary College, Perryville, Missouri filed a third preference visa petition on behalf of the beneficiary which was approved on April 10, 1984. The beneficiary concurrently applied for adjustment of status. During an interview, it was determined that the beneficiary was arrested and convicted for theft on April 26, 1979 and on August 1, 1979, paying fines of $30 and $100 respectively. These offenses rendered her ineligible to receive a visa. A subsequent re-

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quest for a waiver was denied, and on January 24, 1985, an order to show cause was issued and deportation proceedings were initiated.

A letter, with attached memorandum, dated February 27, 1985, to the Chairman of the Senate Committee on the Judiciary, from the Immigration and Naturalization Service with reference to the bill, reads as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, February 27, 1985.

A19 704 365.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (S. 363) for the relief of Mary Patricia McLaughlin, who was also the beneficiary of S. 3023, 98th Congress, there is attached a memorandum of information concerning the beneficiary.

Notwithstanding any provision of the Immigration and Nationality Act, the bill would grant the beneficiary permanent residence in the United States as of the date of its enactment, upon payment of the required visa fee. It would also direct that a visa number deduction be made.

The beneficiary, a native of the United Kingdom, is chargeable to the non-preference portion of the numerical limitation for immigrants.

Sincerely,

FOR THE COMMISSIONER
MARVIN T. ELY
(For Greg Leo, Director,
Congressional and Public Affairs.)

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE: S. 363

The beneficiary, Mary Patricia McLaughlin, a native and citizen of Scotland, was born on February 25, 1947. She resides in St. Louis, Missouri. She obtained a bachelor's diploma in education in Scotland, a master's degree from Villanova University, Villanova, Pennsylvania, and a graduate diploma in movement and dance in Australia. The beneficiary is currently unemployed and claims assets of about $1,000 in personal property and an automobile. She has about $9,700 in liabilities in outstanding personal loans. The beneficiary has no close relatives living in the United States. Her parents and brother are natives and citizens of Scotland, and reside in Scotland.

The beneficiary first entered the United States in 1972 and was admitted as a nonimmigrant student. She requested and received extensions of stay until 1975 when she departed the United States. Her last arrival in the United States was on September 30, 1982, when she was admitted as a nonimmigrant visitor for pleasure. On October 13, 1982, she requested and was granted a change of status

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to that of a temporary worker of distinguished merit and ability and was authorized to remain until July 13, 1983.

On June 28, 1983, St. Mary's of the Barrens Seminary College, Perryville, Missouri filed a third preference visa petition in behalf of the beneficiary. The petition was approved on April 10, 1984. The beneficiary concurrently filed for adjustment of status. During an interview, it was determined that the beneficiary was arrested and convicted for theft on April 26, 1979 and sentenced to pay a fine of $30, and that she was arrested and convicted for theft on August 1, 1979 and sentenced to pay a fine of $100. Both of these offenses occurred in Melbourne, Australia. These offenses were considered to be crimes involving moral turpitude and rendered her ineligible to receive a visa. A subsequent request for a waiver of this ground of excludability was denied. On August 28, 1984, the beneficiary's appeal of the denial of the waiver of excludability was dismissed.

On January 24, 1985, an order to show cause was issued and deportation proceedings were initiated. No hearing date has been set.

U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, January 31, 1985.

In re private relief bill in behalf of Mary Patricia McLaughlin.

DEAR MR. CHAIRMAN: Today I have reintroduced a private relief bill in behalf of Mary Patricia McLaughlin of St. Louis. You will recall that I first introduced legislation to grant this talented young woman permanent residence last September 26 (S. 3023), and the Subcommittee subsequently requested a departmental report on her case from the Immigration and Naturalization Service.

Since introducing that bill I have received over thirty letters from both friends and professional associates of Ms. McLaughlin around the country. They all endorse her character and unique abilities, and they all emphasize that her deportation would deprive the religious community of a very valuable asset. I enclose a sample of that correspondence.

I have one other point to make with respect to Ms. McLaughlin's cause. Over the entire period of time she has been in the United States, Ms. McLaughlin has not worked without authorization. Instead, she recently took the unusual step of making a formal request for permission to work while proceedings against her continue. I think this fact exemplifies Ms. McLaughlin's way of doing things: even though Immigration officials told her that working without authorization would not harm her case at this late date, she preferred to seek permission. I have just been informed that the INS has told her that it has no objection.

I am more convinced than ever that Ms. McLaughlin's case is a good one. I urge the Subcommittee to grant it careful consideration.

Sincerely,

THOMAS F. EAGLETON,
U.S. Senator.

Enclosures.

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U.S. SENATE,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC, July 8, 1985.

In re private relief bill in behalf of Mary Patricia McLaughlin.

Hon. ALAN K. SIMPSON,
Chairman, Subcommittee on Immigration and Refugee Policy, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR ALAN: Last fall legislation was introduced in behalf of Mary Patricia McLaughlin of St. Louis, Missouri. Following referral of the bill the Subcommittee requested a departmental report from the Immigration and Naturalization Service (INS).

At the beginning of this session of Congress, the legislation was reintroduced and on February 29, 1985, the INS made its report to the Subcommittee. In their report, the INS noted that Ms. McLaughlin was convicted of two minor crimes involving "moral turpitude" during 1979. As Senator Eagleton pointed out in his letter of introduction of the legislation, the crimes committed by Ms. McLaughlin were minor, and both occurred during a period in her life of intense mental distress. The first offense was the result of an honest disagreement about the ownership of a tennis racquet that Ms. McLaughlin found in a park and intended to give to the authorities. Before she was able to turn the racquet in she was confronted by the police. She faced a choice between admitting guilt and paying a $10 fine or contesting the charge in court. Had she retained proper counsel, it is likely that she would have been exonerated by the court. She did not, and the "conviction," which she thought was minor, went on her record.

Mental health professionals in the United States who have known Ms. McLaughlin since before the 1979 incidents agree that, due to a number of uncontrollable factors, her mental health in 1979 was not good. They also contend that her condition has since been treated and cured. Some months after her first violation she was charged with and convicted of shoplifting an item valued at $20. Again, she sought no legal counsel, pleaded no contest to the charge, and paid a fine of $100.

Neither Ms. McLaughlin nor those familiar with her situation contend that her mental state excuses these incidents. But they do believe that it does provide an explanation for them and reason for the Subcommittee to give her case special consideration.

One last issue about which the Subcommittee may be concerned involves Ms. McLaughlin not having admitted to her police record on her 1982 visitor visa application. As the INS report notes, existence of the violations was first brought to light during an INS interview with Ms. McLaughlin for her worker visa application in 1984. The INS report neglected to point out that Ms. McLaughlin volunteered the information in an effort to give the INS the most honest and complete record possible. She had not admitted to the 1979 incidents in her original visa application because she did not believe that they were serious enough to trigger the visa reporting requirements.

Ms. McLaughlin has become an individual of great value to her community. She has taught at the St. Mary's Seminary in Perryville, Missouri where, according to the Seminary President she has

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rendered a significant and unique service to her students and the institution. For the last several months she has initiated a research project with the Sisters of Mercy on improving the quality of life for the most disabled elderly. Her fine work is discussed in the enclosed letter from the Co-Vicar for Religious, Archdiocese of St. Louis, Sister Jean Marie Sullivan, R.S.M. Also enclosed are other letters that speak to Ms. McLaughlin's valuable work, integrity, and background.

We understand that Subcommittee action on the McLaughlin legislation could occur at any time. We believe that Ms. McLaughlin's case is meritorious and urge the Subcommittee to act favorably on her legislation.

Sincerely,

JOHN C. DANFORTH,
U.S. Senator.

THOMAS F. EAGLETON,
U.S. Senator.

Enclosures.

MURANE & BOSTWICK,
ATTORNEYS AT LAW,
Casper, WY, June 22, 1985.

Re private relief bill in behalf of Mary Patricia McLaughlin.

Hon. ALAN K. SIMPSON,
Chairman, Subcommittee on Immigration and Refugee Policy, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR ALAN: About two weeks ago, Sister Mary Dennis (Bob Murphy's sister) called me at 6:30 a.m. and asked me if I would be willing to write to you asking you to support Senate File 3023, which is a private relief bill introduced by Senator Eagleton on behalf of Mary Patricia McLaughlin. I told her to advise me of the facts concerning this matter, which has been done.

Apparently Ms. McLaughlin has filed an application for permanent residence, having been in this country for some time as a teacher at St. Mary's Seminary in Perryville, Missouri. She is also working with the Sisters of Mercy in St. Louis presenting workshops and working with those in distress in the community.

I have been advised that her application will probably be denied because of two incidents involving her while she was living in Australia some years ago: one in which she was accused of appropriating a tennis racket, and the other involving shoplifting groceries having a value of approximately five dollars ($5). I understand that she was charged and pleaded guilty to both charges, these incidents happening approximately five years ago.

I assume that you have been advised of the circumstances surrounding each incident; and I will not repeat them.

Some years ago, I served as City Attorney for the City of Casper, one of my duties being prosecuting violators of City ordinances. Prior to that time, I served as Municipal Judge for approximately two years. In both capacities, I had many occasions to either prosecute or hear cases very similar to the incidents that Ms. McLaughlin was involved in; and many of the people who appeared before me in the early Sixties were hard-working, reputable citizens of our community. As you know, petty shoplifting often is the

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result of a sudden impulse, lack of maturity, and a lack of social and economic awareness of the results of such acts.

Bob's sister, Sister Mary Dennis, told me that she knows Patricia McLaughlin personally, has had opportunities to work with her, and highly recommends her. Based on the facts as have been given to me and upon my high regard of Bob's sister, I respectfully ask that you give your support to the bill in question.

Thank you for your consideration in this matter.

Very truly yours,

DAVID A. SCOTT.

COST

No cost would result from enactment of this bill.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b)(1), rule XXVI of the Standing Rules of the Senate, it is hereby stated that the committee anticipates that the bill will have no additional direct regulatory impact inasmuch as it affects just one individual.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 363) should be enacted.

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